

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EVAN WEINER, on behalf of himself and all  
others similarly situated,

Civil Action No. 07-CIV-8742

Plaintiff,

v.

SNAPPLE BEVERAGE CORPORATION,

**MOTION TO ADMIT PHILIP A.  
TORTORETI *PRO HAC VICE***

Defendant.

PURUSANT TO RULE 1.3(c) of the Local Rules of the United States District  
Court for the Southern and Eastern Districts of New York, I, Daniel R. Lapinski, a  
member in good standing of the bar of this Court, hereby move for an Order allowing the  
admission *pro hac vice* of:

Applicant's Name: Philip A. Tortoreti (PT4465)  
Firm Name: Tortoreti, Tomes & Callahan, P.C.  
Address: 150B Tices Lane  
City/State/Zip: East Brunswick, NJ 08816  
Phone Number: 732-257-9100  
Fax Number: 732-257-9012  
Email Address: ptort@ttclawyers.com


FILED  
U.S. DISTRICT COURT  
S.D. OF N.Y.  
2007 NOV 20 PM 3:54

Philip A. Tortoreti is a member in good standing of the Bar of the State of New  
Jersey. Attached hereto is a Certificate of Good Standing from that jurisdiction. There

are no pending disciplinary actions proceeding against Philip A. Tortoreti in any State or Federal Court.\*

Dated: 10 | 18 | 07

Respectfully submitted,

By: 

Daniel R. Lapinski  
Wilentz, Goldman & Spitzer  
110 William Street  
26<sup>th</sup> Floor  
New York, NY 10038  
(732) 636-8000  
(732) 855-6117

\*Mr. Tortoreti is also voluntarily an inactive member of the Bar of the United States Virgin Islands that is subject to active membership reinstatement at his discretion. His inactive status is a result of a personal decision that does not relate to any ethics or other law related issue.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EVAN WEINER, on behalf of himself and all  
others similarly situated,

Civil Action No. 07-CIV-8742

Plaintiff,

v.

SNAPPLE BEVERAGE CORPORATION,

**AFFIDAVIT OF DANIEL R.  
LAPINSKI IN SUPPORT OF  
MOTION TO ADMIT PHILIP A.  
TORTORETI *PRO HAC VICE***

Defendant

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STATE OF NEW YORK     )  
                                  )     ss:  
COUNTY OF NEW YORK    )

Daniel R. Lapinski, being duly sworn, hereby deposes and says as follows:

1. I am an associate with Wilentz, Goldman & Spitzer, counsel for Plaintiffs in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiff's Motion to Admit Philip A. Tortoreti as counsel *pro hac vice* to represent Plaintiff in this matter.
2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law before the First Judicial Department on March 4, 2002. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court since my admission on April 16, 2002.
3. I have known Philip A. Tortoreti since November 2006. Since that time, and up to the present, I have worked as co-counsel with him on several matters.
4. Mr. Tortoreti is a partner with the East Brunswick, New Jersey office of Tortoreti, Tomes & Callahan, P.C.
5. I have found Mr. Tortoreti to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

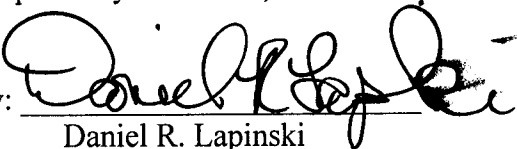
6. Accordingly, I am pleased to move the admission of Philip A. Tortoreti, *pro hac vice*.
7. I respectfully submit a proposed order granting the admission of Philip A. Tortoreti, *pro hac vice*, which is attached hereto as Exhibit A.

WHEREFORE, it is respectfully requested that the motion to admit Philip A.

Tortoreti, *pro hac vice*, to represent Plaintiffs in the above-captioned matter, be granted.


DATED: 10 | 18 | 07

Respectfully submitted,

By: 

Daniel R. Lapinski  
Wilentz, Goldman & Spitzer  
110 William Street  
26<sup>th</sup> Floor  
New York, New York 10038  
(212) 267-3091

Sworn to before me  
in the State of New Jersey  
and County of Middlesex  
this 15<sup>th</sup> day of October, 2007,

  
Notary Public

MARIANNE MCGUCKIN  
Notary Public - State of N.J.  
My Commission Expires Aug. 1, 2011

# Certificate of Good Standing



United States of America

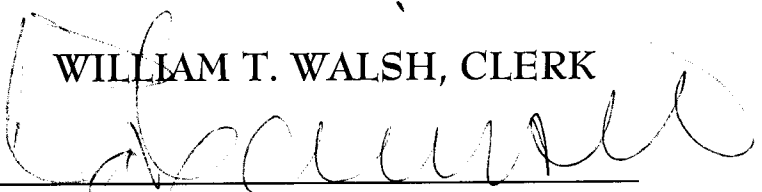
-  
District of New Jersey

I, **WILLIAM T. WALSH**, Clerk of the United States District Court for the District of New Jersey, do hereby certify that:

*Philip A. Tortoreti*

*was duly admitted to practice in said Court as of June 12, 1975, and is in good standing as a member of the Bar of said Court.*

Dated at Newark, New Jersey  
on: November 13, 2007

By   
WILLIAM T. WALSH, CLERK  
Carey P. Carlisle, Deputy Clerk

# **Exhibit A**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EVAN WEINER, on behalf of himself and all  
others similarly situated,

Plaintiff,

Civil Action No. 07-CIV-8742

v.

SNAPPLE BEVERAGE CORPORATION,

Defendant.

**ORDER FOR ADMISSION *PRO*  
*HAC VICE* OF PHILIP A.  
TORTORETI ON WRITTEN  
MOTION**

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Upon the written motion of Daniel R. Lapinski, attorney for Plaintiff, and said  
sponsor attorney's Affidavit in support;

**IT IS HEREBY ORDERED** that

Philip A. Tortoreti  
Tortoreti, Tomes & Callahan, P.C.  
150B Tices Lane  
East Brunswick, NJ 08816  
(732) 257-9100  
(732) 257-9012 (fax)  
[ptort@ttclawyers.com](mailto:ptort@ttclawyers.com)

is admitted to practice *pro hac vice* as counsel for Plaintiff in the above-captioned case in  
the United States District Court for the Southern District of New York. All attorneys  
appearing before this Court are subject to the Local Rules of this Court, including the  
Rules governing discipline of attorneys. As this action has been assigned to the  
Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF

password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the *pro hac vice* fee to the Clerk of the Court.

DATED: \_\_\_\_\_, 2007.  
New York, New York

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UNITED STATES DISTRICT/MAGISTRATE JUDGE



**CERTIFICATE OF SERVICE**

I, Daniel R. Lapinski, hereby certify that the foregoing Motion to Admit Philip A. Tortoreti *Pro Hac Vice*; Affidavit of Daniel R. Lapinski in Support of Motion to Admit Philip A. Tortoreti *Pro Hac Vice*; and Order for Admission *Pro Hac Vice* of Philip A. Tortoreti on Written Motion were served this 22<sup>nd</sup> day of October, 2007, via U.S. mail, on the following counsel of record:

Van H. Beckwith  
Baker Botts, L.L.P.  
2001 Ross Avenue, Suite 600  
Dallas, Texas 75201

Maureen P. Reid  
Baker Botts, L.L.P.  
30 Rockefeller Plaza  
New York, NY 10112

  
DANIEL R. LAPINSKI